

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BOARD OF TRUSTEES OF THE LOCAL
295/LOCAL 851 – I.B.T. EMPLOYER
GROUP PENSION TRUST FUND

Plaintiffs,

vs.

ALLISON FREIGHT MANAGEMENT, LLC

Defendant.

NOTICE OF MOTION

08 CV 1138 (LTS) (RLE)

PLEASE TAKE NOTICE that, upon the attached affidavit of Neil J. Savasta, statement of damages, affidavit in support of attorneys fees, proposed clerk's certification, and proposed judgment, plaintiffs, the Board of Trustees of the Local 295/Local 851 – I.B.T. Employer Group Pension Trust Fund through their counsel, Cary Kane LLP, will move this court before the Honorable Laura Taylor Swain, United States District Judge, in Courtroom 17C of the United States District Courthouse, 500 Pearl Street, New York, NY, 10007, at 9:00 am on Monday, August 11, 2008, or as soon thereafter as counsel maybe heard, for a default judgment under Rule 55(b)(2) of the Federal Rules of Civil Procedure.

Plaintiffs submit herewith: (1) the affidavit of Neil J. Savasta, along with attachments; (2) a statement of damages; (3) the affidavit of Joshua S.C. Parkhurst in support of an attorneys' fee award; (4) a clerk's certification; and (5) a proposed judgment. Plaintiffs seek a monetary award in the amount of \$88,787.15.

DATED: July 21, 2008

CARY KANE LLP

A handwritten signature in black ink, appearing to read "Joshua S.C. Parkhurst", written over a horizontal line.

Joshua S.C. Parkhurst (JP5022)
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